

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

DENINE RHINEHART,

Plaintiff,

v.

CHECK INTO CASH OF
SOUTH CAROLINA, INC.,

Defendant.

C.A. No. _____

DEFENDANT CHECK INTO CASH OF SOUTH CAROLINA INC.'S
NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(a), (c) and § 1446, Defendant Check into Cash of South Carolina, Inc. (“Defendant”), files this Notice of Removal to the United States District Court for the District of South Carolina, Greenville Division. Removal is proper based on the following grounds:

1. On February 11, 2020, Plaintiff Denine Rhinehart, initiated a civil action captioned *Denine Rhinehart v. Check Into Cash of South Carolina, Inc.*, Civil Action No. 2020-CP-23-000830, in the Court of Common Pleas of Greenville County, South Carolina. The Complaint alleges the following two causes of action: violation of South Carolina Payment of Wages Act, S.C. Code §41-10-10 et. seq and violation of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 207(a).

2. Defendant was served a copy of the Summons and Complaint on February 18, 2020. A true and correct copy of the Summons and Complaint is attached hereto as Exhibit A. These documents constitute all pleadings and process provided to Defendant in this action.

3. This Notice of Removal is being filed within thirty (30) days after service upon Defendant of the Complaint setting forth Plaintiff's federal claims in accordance with 28 U.S.C. § 1446(b).

4. Defendant has not filed an Answer or other pleading in the Court of Common Pleas of Greenville County, South Carolina.

5. The United States District Court for the District of South Carolina has original jurisdiction over this case pursuant to 28 U.S.C. § 1331, in that Plaintiff has alleged causes of action arising under federal law, namely that Defendant allegedly violated the FLSA.

6. The Court has supplemental jurisdiction over Plaintiff's remaining state law claims pursuant to 28 U.S.C. § 1367. Further, Plaintiff alleges that her remaining state law claim stems from the same facts as alleged to support their federal law claims. Specifically, Plaintiff alleges violation of the South Carolina Payment of Wages Act. Accordingly, Plaintiff's alleged state law claim is inextricably intertwined with Plaintiff's claim that arises under federal law, and this Court should exercise its supplemental jurisdiction over the state law claim pursuant to 28 U.S.C. § 1367.

7. Defendant submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff and without conceding that Plaintiff has alleged claims upon which relief may be granted.

8. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

9. A copy of this Notice of Removal has been served upon Plaintiff, and together with a copy of the Notice of Removal and supporting papers, will be filed with the Clerk of Court for the County of Greenville, South Carolina.

WHEREFORE, Defendant prays that further proceedings in the Greenville County Court of Common Pleas for the State of South Carolina be discontinued and that said Civil Action No. 2020-CP-23-00830 now pending in the Greenville County Court of Common Pleas for the State of South Carolina be removed to the United States District Court for the District of South Carolina, Greenville Division, and that such Court assume full jurisdiction of such action as provided by law.

Respectfully submitted,

s/T. Chase Samples

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JACKSON LEWIS P.C.

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***ATTORNEYS FOR DEFENDANT CHECK INTO
CASH OF SOUTH CAROLINA, INC.***

Dated: March 18, 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

DENINE RHINEHART,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. _____
CHECK INTO CASH OF)	
SOUTH CAROLINA, INC.,)	
)	
Defendant.)	
_____)	

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **DEFENDANT CHECK INTO CASH OF SOUTH CAROLINA, INC.'S NOTICE OF REMOVAL** was served this day on counsel for Plaintiff via United States Mail, postage prepaid and addressed to:

Wm. Chad Bettis
Ayers, Smithdeal & Bettis, PC
409 Main Street
Greenwood, SC 29646
chad@asblawyers.com

s/T. Chase Samples

Dated: March 18, 2020

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